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**BY FACSIMILE (212-805-7946)<sup>1</sup>**

December 3, 2007

The Honorable Richard J. Sullivan  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 615  
New York, New York 10007

Re: Adams v. City of New York, 05-cv-9484 (RJS) (JCF)  
Abdell v. City of New York, 05-cv-8453 (RJS) (JCF)  
Phillips v. City of New York, 05-CV-7624 (RJS) (JCF)  
Sikelianos v. City of New York, 05-CV-7673 (RJS) (JCF)  
Tikkun v. City of New York, 05-CV-9901 (RJS) (JCF)

Dear Judge Sullivan:

Defendants write regarding the above captioned matters, which are RNC cases that are consolidated before Your Honor and Magistrate James C. Francis IV. Plaintiffs' counsel join in this request.

Plaintiffs in Adams, Phillips, Sikelianos, and Tikkun have appealed the dismissal of their emotional distress claims by filing Rule 72 objections. Defendants have not yet filed their opposition to these objections. In the interest of judicial economy, all parties agree that a consolidated briefing schedule is the most efficient way to proceed. Additionally, there are pending motions to dismiss emotional distress claims before Magistrate Francis in Adams and Abdell. Once Magistrate Francis decides these motions, the parties will submit a joint briefing schedule in the captioned actions. Accordingly, we request that the briefing schedules in Adams, Phillips, Sikelianos, and Tikkun be stayed until a decision by Magistrate Francis on the pending motions in Adams and Abdell is issued.<sup>2</sup> Thereafter, the parties will contact Your Honor and

<sup>1</sup> Defendants submit this facsimile with permission of Your Honor's clerk, Gretchen.

<sup>2</sup> A summary of the current scheduling issues for the captioned actions is attached as Ex. A.

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request that the Court enter a consolidated briefing schedule on behalf of all captioned actions.  
If the following meets with your approval would you kindly "so order" it.

Respectfully submitted,



Jeffrey A. Dougherty

cc: Hon. James C. Francis IV.  
Michael Spiegel, Esq.  
Norman Best, Esq.  
Alan Levine, Esq.  
Jeffrey Rothman, Esq.  
Andrea Richie, Esq.

The parties' request is granted. Counsel are directed to submit a joint status letter by January 14, 2008, or upon resolution of the outstanding motions by Judge Francis, whichever is earlier, to apprise the Court of the status/developments in these matters.

SO ORDERED  
Dated:



RICHARD J. SULLIVAN  
U.S.D.J.

## EXHIBIT A

The following summarizes the pertinent scheduling issues in these actions:

### Adams

- Plaintiffs filed Rule 72 objections on September 4, 2007.
- On September 21, 2007, Judge Karas entered a memorandum endorsed order indicating defendants' opposition would be due on October 2, 2007.
- On October 3, 2007, Your Honor entered a memo endorsed order adjourning the pending briefing schedule in Adams, until Magistrate Francis had resolved similar pending issues in Adams and another consolidated case, Abdell.
- Currently, an issue relating to the emotional distress claims of Adams plaintiff Henriksen is pending before Magistrate Francis. Briefing on that issue will be fully submitted on December 7, 2007.
- Plaintiffs in this case are represented by Michael Spiegel, Esq. and Norman Best, Esq. (Mr. Spiegel is currently on trial and was unavailable for consultation. Mr. Best agreed to consolidate the pending briefing schedule in Adams with the other captioned cases and adjourn further scheduling until issues relating to the remaining plaintiffs in Adams and Abdell are resolved by Magistrate Francis.

### Abdell

- Currently, an issue relating to the emotional distress claims of Abdell plaintiff Rueckner is pending before Magistrate Francis. Briefing on that issue will be fully submitted on December 14, 2007.
- Plaintiffs in this case are represented by Michael Spiegel, Esq. and Alan Levine, Esq. (Mr. Spiegel is currently on trial and was unavailable for consultation. Mr. Levine agreed to consolidate any briefing they might file on behalf of plaintiff Rueckner with the other captioned cases.

### Phillips and Sikelianos

- Plaintiffs filed Rule 72 objections on November 16, 2007.
- Plaintiffs in Phillips and Sikelianos are represented by Jeffrey Rothman, Esq.
- Mr. Rothman agreed to consolidate the briefing schedules in Phillips and Sikelianos with the captioned actions and adjourn further scheduling until issues relating to the remaining plaintiffs in Adams and Abdell are resolved by Magistrate Francis.

### Tikkun

- Plaintiff filed Rule 72 objections on November 19, 2007.
- Plaintiff Tikkun is represented by Andrea Richie, Esq.
- Ms. Richie agreed to consolidate the briefing schedule in Tikkun with the captioned actions and adjourn further scheduling until issues relating to the remaining plaintiffs in Adams and Abdell are resolved by Magistrate Francis.